

## **Chapter 14.06 Definitions**

Unless the context clearly requires otherwise, the definitions in this section apply throughout this Title.

14.06.001 “Abut” means to physically touch or border upon; or to share a common property line, but not overlap.

14.06.002 “Access Corridor” means a vehicle circulation area in private ownership, including easements, tracts and driveways in a common ownership, over which access is afforded to two or more lots or residences. Where a driveway is shared and serves garages or accessory buildings and the lots and principal buildings front upon another street or an access corridor, the shared driveway shall not be defined as an access corridor.

14.06.003 “Accessory Dwelling Unit” (hereinafter referred to as “ADU”) is a habitable living unit that provides basic requirements for living, sleeping, eating, cooking and sanitation. An ADU is accessory to the primary unit on a lot and may be added to, created within, or detached from the primary single-family dwelling unit.

14.06.004 “Accessory Structure” means a detached, subordinate structure, the use of which is clearly incidental and related to that of the principal structure or use of the land, and which is located on the same lot or adjacent lot as that of the principal structure consistent with this Title.

14.06.005 “Accessory Use” means a use, activity, structure or part of a structure which is subordinate and incidental to the main activity or structure on the subject property. Specific accessory uses for each zoning district are addressed in DMC 14.12-14.32.

14.06.006 “Acre” means a measure of land area containing 43,560 square feet.

14.06.007 “Adjacent” means property that touches on, or is directly across from or abuts on a public right-of-way, the subject property.

14.06.008 “Adjoining Lot” means a lot or parcel of land that shares all or part of a common lot line with another lot or parcel of land.

14.06.009 “Adult Entertainment Facilities” (see also “Sexually Oriented Businesses in Chapter 5.02”) means commercial establishments defined herein as an adult arcade, adult cabaret, adult drive-in theater, adult motel, adult motion picture theater, adult retail store, adult sauna parlor, escort agency, nude or semi-nude model studio, or other adult entertainment facility.

14.06.010 “Adult Family Home” means residences which care for 2 to 6 people age 18 or older and provide room, board, laundry, necessary supervision, assistance with activities of daily living, personal care, and social services under a license issued by the Washington State Department of Social and Health Services pursuant to Chapter 70.128 RCW.

14.06.011 “Affordable Housing” means,

- A. Housing renting for a monthly rent, including an appropriate utility allowance, of not more than 30 percent of the total monthly household income of low-income households (defined to be a household earning 80 percent or less of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area); or

- B. Housing that may be purchased with monthly payments including: principal, interest, taxes, insurance, homeowners association fees, and assessments, that do not add up to more than 30 percent of the total monthly household income of low-income households (defined to be a household earning 80 percent or less of the median annual income, adjusted for household size, as determined by the United States Department of Housing and Urban Development for the Seattle Metropolitan Statistical Area).; or
- C. Housing that is at 100% of the median annual income (such housing may not be eligible for the subsidies that more affordable housing can earn).

14.06.012 "Alley" means a dedicated thoroughfare or right-of-way, whether public or private, usually narrower than a street, that may provide vehicular access to an interior boundary of one or more lots, and is not designed for general traffic circulation. Alleys serve as secondary and/or primary access to the side or rear of properties whose principal frontage is on a dedicated street or open space provided that all portions of alley-loaded homes are located within 150 feet of a dedicated street.

14.06.013 "Amateur Radio Facility (" means a tower or antenna(s) which transmits and receives noncommercial communication signals, as defined by the Federal Communications Commission. Guy wires for amateur radio antenna(s) are considered part of the structure for the purposes of meeting development standards.

14.06.014 "Amend" means to change the Zoning Map, text of the Unified Development Regulations, or Comprehensive Plan in accordance with this code.

14.06.015 "Animal" means a small animal or animals not considered predatory or wild which are kept outside a dwelling unit all or part of the time. Animals considered predatory or wild shall be considered small animals when they are taken into captivity for the purposes of breeding, domestication, training, hunting or exhibition. Also see DMC 6.14.

14.06.016 "Annexation" means the incorporation of land into the city of Duvall that results in a change of the city's boundary.

14.06.017 "Antenna Array" means any system of poles, panels, rods, reflecting discs or similar devices used for the transmission or reception of radio frequency signals, and includes the following:

- A. Ancillary antenna is an antenna that is less than 12 inches in its largest dimension that is not directly used to provide personal wireless communications services. Such antennas would include global positioning satellite (GPS) antennas.
- B. Directional antenna (also known as a "panel" antenna) transmits and receives radio frequency signals in a specific directional pattern of less than 360 degrees.
- C. Omni directional antenna (also known as a "whip" antenna) transmits and receives radio frequency signals in a 360 degree radial pattern. For the purpose of this document, an omni directional antenna is up to 15 feet in height and up to 4 inches in diameter.
- D. Other. All other transmitting and receiving equipment not specifically described in this chapter shall be regulated in conformity with the type of antenna described in this chapter which most closely resembles such equipment.
- E. Parabolic antenna (also known as a dish antenna) is a bowl-shaped device for the reception and/or transmission of radio frequency communications signals in a specific directional pattern.

14.06.018 “Applicant” means a person who applies for any permit or approval to do anything governed by this code and who is the owner of the subject property, the authorized agent of the owner, or the City.

14.06.019 “Arborist” means, at a minimum, an individual with related training and experience to demonstrate competency in arboriculture or urban forestry with tree retention, protection, and planting expertise and must be certified by the International Society of Arboriculture.

14.06.020 “Articulation” means the giving of emphasis to architectural elements (i.e. windows, balconies, entries, etc.) that create a complementary pattern, or rhythm, dividing large buildings into smaller identifiable pieces.

14.06.021 “As-builts” means engineers’ drawings which show the exact location, size and dimensions of street and utilities that have been installed.

14.06.022 “Assisted Living Facility” means a state-licensed multi-unit establishment which provides living quarters and a variety of limited personal care and at least a minimal amount of supportive health care to individuals who are unable to live independently due to infirmity of age, physical or mental handicap, but who do not need the skilled nursing care of a convalescent center or nursing home. Supportive health care may include health care monitoring, such as assistance with medication, but is limited to health care services which may be provided by a boarding home. These facilities may consist of individual dwelling units with a full kitchen, partial kitchen or no kitchen. In addition, these facilities may have a communal dining area, recreational facilities (library, lounge, game room, open space), and/or laundry facilities. Assisted living facilities do not include adult family homes.

14.06.023 “Attached Wireless Communications Facility” means an antenna array that is attached to an existing building or structure including but not limited to utility poles, water towers, and buildings, with any accompanying pole or device which attaches the antenna array to the existing building or structure and associated connection cables, and an equipment facility which may be located either inside or outside of the attached structure.

14.06.024 “Balcony” an exterior floor projecting from and supported by a structure without additional independent supports.

14.06.025 “Basement” means a story that is partly or completely below grade plane. A basement shall be considered as a story above grade plane where a finished surface of the floor next above the basement is:

- A. More than 6 feet above grade plane; or
- B. More than 12 feet above the finished ground level at any point.

14.06.026 “Bay Window” means a projecting bay from an exterior wall of a structure that contains one or more windows. The bay window may be directly supported by a foundation or it may be cantilevered out from an exterior wall. To qualify as a bay window, the protrusion must be at least 1 foot measured horizontally from the façade.

14.06.027 “Bed and Breakfast” means a single-family residence containing one kitchen and shared dining area providing lodging rooms for guests and travelers, tourists, and transient guests for a period of up to 30 days and serving primarily breakfast only to those people registered to use the facility for lodging.

14.06.028 “Best Management Practices” means the physical, structural, and/or managerial practices that have been approved by City of Duvall, and that when used singly or in combination, provide the most effective means of preventing or reducing pollution of water or other undesirable effects.

14.06.029 “Binding Site Plan” means a subdivision of land through the optional binding site plan process provided for in RCW 58.17.035, or its successor.

14.06.030 “Blank Wall” means a wall which includes building façades and other exterior walls and retaining walls. A wall is considered a blank wall if:

- A ground floor wall or portion of a ground floor wall over 6 feet in height has a horizontal length greater than 15 feet and does not include a window, door, building modulation or other architectural detailing; or
- Any portion of a ground floor wall having a surface area of 400 square feet or greater that does not include a window, door, building modulation or other architectural detailing.

14.06.031 “Block” means a group of lots, tracts or parcels within well-defined and fixed boundaries.

14.06.032 “Bond” means a form of security provided by a bonding company in an amount and form satisfactory to the City Attorney and these regulations, intended to insure that required improvements are installed and/or maintained, providing warranty against defective material and/or workmanship.

14.06.033 “Boundary Line Adjustment” means a division made for the purpose of adjusting boundary lines which does not create any additional lot, tract, parcel, site or division, nor create any lot, tract, parcel, site or division which contains insufficient area and dimensions to meet minimum requirements of this Title, the building codes, and other applicable ordinances.

14.06.034 “Building” means any structure with walls and a roof used or intended for supporting or sheltering any use or occupancy.

14.06.035 “Building Coverage” means area of a lot that is covered by the total horizontal surface area of the roof of a building.

14.06.036 “Building Envelope” means area of a lot that delineates the limits of where a building may be placed on the lot.

14.06.037 “Building Façade” means that portion of any exterior elevation of a building extending from the grade of the building to the top of the parapet wall or eaves, for the entire width of the building elevation.

14.06.038 “Building Official” means the individual who administers and enforces the building and construction codes of the city of Duvall.

14.06.039 “Building Permit” means the permit required for new construction and additions pursuant to Title 10 of the Duvall Municipal Code (DMC). The term building permit, as used in this title, shall not be deemed to include: permits required for remodeling, rehabilitation, or other improvements to an existing structure for rebuilding a damaged or destroyed structure;

provided, there is no increase in the applicable unit of measure (for nonresidential construction) or number of dwelling units (for residential construction) resulting there from.

14.06.040 "Building Setback" means a line which establishes a definite point beyond which the foundation of a building shall not extend.

14.06.041 "Bulk Retail" means an establishment offering the sale of bulk goods to the general public, including limited sales to wholesale customers. These establishments may include a variety of lines of merchandise including food, building, hardware and garden materials, dry goods, apparel and accessories, home furnishings, housewares, drugs, auto supplies, hobby, toys, games, photographic supplies and equipment, and electronics.

14.06.042 "Caliper" means the American Nursery and Landscape Association standard for measurement of trunk size of nursery stock. Caliper of the trunk shall be measured 6 inches above the ground unless the tree is larger than 4 inches caliper, then it is measured 1 foot above the ground.

14.06.043 "Capital Facilities" means the facilities or improvements included in the City of Duvall capital facilities plan.

14.06.044 "Capital Facilities Plan" means the City of Duvall Capital Facilities Plan Element of the Comprehensive Plan adopted pursuant to the Revised Code of Washington (RCW) Chapters 36.70A and 35.63, or any amendments thereof.

14.06.045 "Carriage Housing" means an ancillary dwelling unit located over a garage.

14.06.046 "City" means the City of Duvall, Washington.

14.06.047 "City Attorney" means the official who represents the City of Duvall in legal matters.

14.06.048 "City Clerk" means the city clerk position for the City of Duvall.

14.06.049 "City Engineer" means the public works director/city engineer or the city engineer for the City of Duvall.

14.06.050 "City Council" means the city council of the city of Duvall.

14.06.051 "Clearing" means the limbing, pruning, trimming, topping, cutting or removal of vegetation or other organic matter by physical, mechanical, chemical or other means prior to a site's development.

14.06.052 "Closed Record Appeal Hearing" means an administrative appeal on the record following an open record hearing on a project permit application when the appeal is on the record and with no new evidence or information allowed to be submitted and only appeal arguments allowed.

14.06.053 "Clustering" means a technique that allows for the on-site transfer of density so that lots are concentrated in one portion of a site leaving the remaining portion of the site as open space.

14.06.054 "Colocation" means use of a common wireless communications facility (WCF) or common site by two or more wireless license holders or by one wireless license holder for more than one type of communications technology and/or placement of a WCF on a structure owned or operated by a utility or other public entity.

14.06.055 "Color" means described in terms of hue, value and intensity. Hue refers to the identity of a color – i.e., red, blue, yellow, etc. Value is the lightness or darkness of a color, and intensity is the relative strength and purity of a color.

14.06.056 "Commercial", when used as a general term and not in the "Commercial – Co" zoning district, means a land use classification generally defined as businesses, including but not limited to, retail, office, hotels, motels, restaurants, wholesale businesses, industrial developments, mixed-use developments, health, social and educational institutions. This definition does not supersede any specific allowed use as set out in DMC 14.12-14.32.

14.06.057 "Community Center" means an enclosed structure open to the general public that is owned and operated by the city of Duvall or another public agency, and that is used predominately for cultural, educational, recreational, or social purposes.

14.06.058 "Comprehensive Plan" means the Duvall Comprehensive Plan, a set of goals and policies adopted by the council to guide the development of the city and to promote the general welfare.

14.06.059 "Conditional Use Permit" means a permit granted by the city to locate a conditionally permitted use or building on or in a particular property subject to conditions placed on the use or building to ensure compatibility with nearby land uses.

14.06.060 "Condominium" means real property, portions of which are designated for separate ownership and the remainder of which is designated for common ownership solely by the owners of those portions. Real property is not a condominium unless the undivided interests in the common elements are vested in the unit owners, and unless a declaration and a survey map and plans have been recorded pursuant to the Revised Code of Washington 34.64.

14.06.061 "Construction" means any site preparation, assembly, erection, demolition, substantial repair, maintenance, alteration, or similar action for or of public or private rights-of-way, structures, utilities, or similar property.

14.06.062 "Construction Drawings or Engineer Drawings" means diagrams that provide plans, profiles and cross-sections of utilities and roads to be installed, prepared, and certified by a licensed civil engineer.

14.06.063 "Council" means the city council of the city of Duvall.

14.06.064 "Corner Lot" means a lot bounded on two or more adjacent sides by a street, private right-of-way or road access easement, or any combination of these.

14.06.065 "Cornice" means an ornamental, horizontal molded projection at the top of the exterior walls of a building.

14.06.066 "Cottage Housing Development" means a detached single-family housing in a cluster of 4 to 12 dwelling units around a central open space and has the following characteristics:

- Each unit is of a size and function suitable for a single person or very small family;
- Each unit has the construction characteristics of a single-family house;
- Units may be located on platted lots or as units in a condominium and may share use of common facilities such as a party room, tool shed, garden orchard, workshop or parking areas;
- The site is designed with a integrated concept in mind, including: shared functional open space, off-street parking, access within the site and from the site, and unified landscaping.

14.06.067 "Courtyard" means an open space associated with a development featuring landscaped components and pedestrian amenities.

14.06.068 "Cul-de-sac" means the turn-around area located at the terminus of a street.

14.06.069 "Cultural Facilities" includes movie or production theaters, libraries, museums, arboretums, conference centers, and community centers.

14.06.070 "Day Care Facility" means an agency which regularly provides temporary care for a group of children between the ages of 6 weeks to 12 years for periods less than 24 hours in a structure other than the parent's home on a regular reoccurring basis for pay or other valuable consideration, including but not limited to the furnishing of shelter, sustenance, supervision, education and other supportive services. The term is not intended to include babysitting services of a casual, nonrecurring nature.

14.06.071 "Dedication" means the appropriation of land by its owner for general or public use, reserving no special rights to themselves.

14.06.072 "Density" means the number of allowed housing units per acre of land in a designated zoning district within the city.

14.06.073 "Developer" means the person or entity who owns or holds purchase options or other development control over property for which development activity is proposed.

14.06.074 "Development" means any man-made change to improved or unimproved real estate, including but not limited to buildings or other structures, mining, dredging, filling, grading, paving, excavation or other structures.

14.06.075 "Development Activity" means any construction or expansion of a building, structure, or use; any change in use of a building or structure; or any change in the use of land.

14.06.076 "Development Agreement" means a recorded agreement between a development applicant and Duvall which incorporates the site plans, development standards, and other features of a development proposal, which agreement is executed and recorded as part of a separate property-specific approval.

14.06.077 "Development Review Committee" means the development review committee of the city of Duvall as set forth in these regulations.

14.06.078 "Diameter" means the diameter of the trunk of a tree measured at 4.5 feet above the ground.

14.06.079 "Director" means the Planning Director or his/her designee.

14.06.080 "Dripline" means an area encircling the base of a tree, the minimum extent of which is delineated by a vertical line extending from the outer limit of a tree's branch tips down to the ground.

14.06.081 "Duplex" means a structure containing not more than two attached dwelling units.

14.06.082 "Duvall" means the City of Duvall, Washington.

14.06.083 "Dwelling, Single-Family Attached", or "Dwelling Unit, Attached", means Dwelling, Single-Family Attached", or Dwelling Unit, Attached", means (1) a dwelling unit designed for occupancy by one family on an individually owned lot where the dwelling unit abuts one or more lot lines and shares a common wall with an adjacent dwelling unit or units and is created through a subdivision or (2) a group of two or more attached dwelling units usually located on a single lot and which accommodate one family in each individual, primary dwelling unit and are created through a condominium. Also known as a "row house" or "townhouse"

14.06.084 "Dwelling, Single-Family Detached", or "Dwelling Unit, Detached" means a detached building surrounded by open space and yards and which contains one dwelling unit and up to one accessory dwelling unit created through a subdivision or condominium. . A modular or manufactured home on an individual lot is considered a single-family dwelling unit under this definition.

14.06.085 "Dwelling Unit" means a single unit providing complete, independent living facilities for not more than one family and permitted roomers and boarders including permanent provisions for living, sleeping, eating, cooking and sanitation. A mobile home, apartment, condominium, townhouse, single-family attached or detached house, or accessory dwelling unit is considered to be a dwelling unit.

14.06.086 "Dwelling Unit, Attached Two Family", means a building designed for occupancy by two families created through a subdivision or condominium.

14.06.087 "Easement" means a right granted by the owner of land to another party for specific limited use of that land.

14.06.088 "Engineer Drawings or Construction Drawings" means diagrams that provide plans, profiles and cross-sections of utilities and roads to be installed, prepared, and certified by a licensed civil engineer.

14.06.089 "Essential Public Facility" means a facility, conveyance, or site whose services are provided by a governmental agency, a private or nonprofit organization under contract to or with substantial funding from government agencies, or a private organization subject to public service obligations, which is necessary to adequately provide a public service and which is typically hard to site.

14.06.090 "Façade" means building elevations facing an adjacent street and elevations that include a primary building entrance, unless otherwise noted.



14.06.091 "Family" means one or more persons, not including minor children (but not more than 8 unrelated adults) living together as a single housekeeping unit. For purposes of this definition and notwithstanding any other provision of this code, persons with familial status within the meaning of Title 42 United States Code, Section 3602(k) and persons with handicaps within the meaning of Title 42 United States Code, Section 3602(h) and RCW 35A.63.240 will not be counted as unrelated persons.

14.06.092 "Family Day Care" means a licensed day care provider who regularly provides day care for periods less than 24 hours for not more than 12 children in the provider's home in the family living quarters.

14.06.093 "Federal Aviation Administration (FAA)" means the federal agency which regulates airspace usage and works with the Federal Communications Commission (FCC) to establish requirements for construction, marking and lighting of tower structures to ensure airspace safety.

14.06.094 "Federal Communications Commission (FCC)" means the federal agency which has the power to regulate interstate and foreign communications by radio, television, wire, satellite and cable.

14.06.095 "Fence" means a barrier for the purpose of enclosing space or separating lots, composed of:

- A. Masonry or concrete walls, excluding retaining walls; or
- B. Wood, metal or concrete posts connected by boards, rails, panels, wire or mesh.

14.06.096 "Final Plat" means the final drawing of the subdivision and dedication prepared for filing for record with the King County Department of Records and Elections, and containing all elements and requirements set forth by the City of Duval.

14.06.097 "Flex/tech" means research and development space which includes but is not limited to the follow uses: offices, light industrial uses, warehouses, and research.

14.06.098 "Fish or wildlife ponds" means a small man-made body of water located on private or public property containing fish. This can either be constructed as part of a park or landscaping area.

14.06.099 "Floor Area (gross) - Residential" means the maximum permitted gross floor area allowed, expressed as a percentage of the lot size (gross floor area/lot size = FAR). FAR calculations exclude garages and basements.

14.06.0100 Floor Area (gross) – Commercial" means the maximum permitted gross floor (the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts, elevator shafts, and stairwells. Usable area under a horizontal projection of a roof or floor above, not provided with surrounding exterior walls shall be included within the total gross floor area.) area allowed, expressed as a percentage of the lot size (gross floor area/usable lot size = FAR).

14.06.0101 "Gabled Roof" means a triangular wall enclosed by the sloping ends of a ridged roof.

14.06.0102 “Grade” means the vertical elevation of the ground surface.

14.06.0103 “Grading” means any excavation, filling, removing of the duff layer or any combination thereof.

14.06.0104 “Gross Site Area” means that area within the boundaries of a given lot. Gross site area does not include the area of any abutting streets or accessways.

14.06.0105 “Gross Usable Area” means the area of a site or lot ownership, expressed in acres or square feet.

14.06.0106 “Groundcover” means living plants designed to grow low to the ground (generally 1 foot or less) and intended to stabilize soils and protect against erosion.

14.06.0107 “Growth Management Act (GMA)” means the Washington State Growth Management Act enacted in 1990, and amendments in succeeding years.

14.06.0108 “Hazardous Materials” means any hazardous waste, hazardous substance, dangerous waste, or extremely hazardous waste that is a physical or health hazard as defined and classified in Chapter 70.105 RCW and Chapter 173-303 WAC, whether the materials are in usable or waste condition. Hazardous materials shall also include petroleum or petroleum products that are in a liquid phase at ambient temperatures, including any waste oils or sludges.

14.06.0109 “Hazardous Tree or Hazard Tree” means a tree that has a disease and/or defect which makes it have a high probability of failure. This can include root rot, a significantly decayed trunk, two stems pressing on each other, previous failure of a crown, or other defect as identified by an arborist.

14.06.0110 “Hearing Examiner” means the land use hearing examiner who acts on behalf of the Duvall City Council in considering and applying land use regulatory codes as provided under these regulations.

14.06.0111 “Hipped Roof” means a roof with sloping ends and sides.

14.06.0112 “Home Industry” means a limited-scale business on a residential property that is greater than 1 acre in size, subject to the conditions set forth in DMC 14.54.

14.06.0113 “Home Occupation” means a limited-scale service activity undertaken for financial gain, which occurs in a dwelling unit or accessory building and is subordinate to the primary use of the premises as a residence.

14.06.0114 “Impact Fee” means the fee for schools, parks or roads levied pursuant to DMC 14.58 as a condition of issuance of a building permit or development approval. “Impact fee” does not include a reasonable permit or application fee and does not preclude a SEPA mitigation fee or other fees authorized by law.

14.06.0115 “Impact Fee Account” means the account established for each type of public facility for which impact fees are collected. Such account shall be established pursuant to these regulations and shall comply with the requirements of RCW 82.02.060.

14.06.0116 “Impact Fee Schedule” means the fee schedules set forth in city council resolutions adopted under the authority of these regulations.

14.06.0117 “Impact Fee – Transportation” means a payment of money required from development as a condition of development approval to pay for transportation facilities needed to serve new growth and development, and that is reasonably related to the new development that creates additional demand and need for transportation facilities, that is a proportionate share of the cost of the public facilities, and that is used for facilities that reasonably benefit the new development. A transportation impact fee may be used to pay for system improvement costs previously incurred by the City, to the extent that new growth and development will be served by the previously constructed improvements, provided such fee shall not be imposed to make up for any system improvement deficiencies. A transportation impact fee does not include a reasonable permit or application fee.

14.06.0118 “Imminent danger – Tree” means a tree in which conditions make it an immediate threat of falling. An imminent danger includes, but is not limited to, a tree leaning from a storm event, breaking roots, a new crack at branch or stem attachments, and hanging broken branches.

14.06.0119 “Impervious Surface” means any nonvertical surface artificially covered or hardened so as to prevent or impede the percolation of water into the soil mantle including, but not limited to, roof tops, swimming pools, paved or graveled roads and walkways or parking areas and excluding landscaping and surface water retention/detention facilities.

14.06.0120 “Infill development” means the practice of building on vacant lots or undeveloped parcels within the older parts of an already developed area.

14.06.0121 “Innovative housing” means housing that uses efficient and creative use of spaces, features and amenities, both within the overall development and individual homes. The achieved result is housing that uses less land, has lower impacts on the environment, often provides opportunities for social interaction, and may result in affordable housing units. Housing types classified as innovative housing may include cottage clusters, cottages with carriage units, small lot detached units, detached accessory dwelling units, small multiplexes, townhouses, or auto courts.

14.06.0122 “Interior Lot Line” means lot lines that delineate property boundaries along those portions of the property which do not abut a street, road, tract, or alley.

14.06.0123 “Landmark tree” means any healthy tree with a 30 inch caliper or more measured at 4.5 feet above the ground, or any tree that is particularly impressive or unique due to its size, shape, age, historical significance or any other trait that epitomizes the character of the species.

14.06.0124 “Landscaping” means live vegetative materials required for a development. Such materials provided along the boundaries of a development site is referred to as perimeter landscaping. Landscaping provided on the remainder of the site is referred to as interior landscaping.

14.06.0125 “Legal standing” means that a person has standing to obtain judicial review of agency action if that person is aggrieved or adversely affected by the agency action. A person is

aggrieved or adversely affected within the meaning of this section only when all three of the following conditions are present:

- A. The agency action has prejudiced or is likely to prejudice that person;
- B. That persons; asserted interests are among those that the agency was required to consider when it engaged in the action being challenged; and
- C. A judgment in favor of that person would substantially eliminate or redress the prejudice to that person caused or likely to be caused by the agency action.

14.06.0126 "Loading Space" means a space for the temporary parking of a vehicle while loading or unloading cargo or passengers.

14.06.0127 "Lot" means a physically separate and distinct parcel of property, which has been created pursuant to the provisions of these regulations; a fractional part of divided lands having fixed boundaries, being of sufficient area and dimension to meet minimum zoning requirements for width and area. The term shall include tracts or parcels.

14.06.0128 "Lowest Floor" means the lowest enclosed area, including the basement, of a structure. An area used solely for parking or vehicles, building access or storage in an area other than a basement area, is not considered a building's lowest floor; provided, however, that any such enclosed area meets all of the structural requirements of the flood hazard protection and alteration standards.

14.06.0129 "Major Exterior Remodel" means remodels whose value exceeds 50 percent of the value of the existing structure, as determined by the City of Duvall valuation methods shall be designated as a "major exterior remodel".

14.06.0130 "Manufactured Home" means a factory built structure transportable in one or more sections which is built on a permanent chassis and designed to be a dwelling unit with or without a permanent foundation when connected to required utilities. A manufactured home shall be built to comply with the National Manufactured Home Construction and Safety Standard Act of 1974.

14.06.0131 "Map Amendment" means to change the zoning classification of a property that is consistent with the Comprehensive Plan.

14.06.0132 "Maximum Building Coverage" means the percentage of total lot area covered by primary and accessory buildings as measured by the total horizontal area of the building(s) calculated by the total square footage covered divided by the total lot area.

14.06.0133 "Maximum Lot Coverage" means the maximum area of a lot that is permitted to be covered by impervious surfaces in accordance with the applicable zoning district requirements, including but not limited to, building coverage, eaves, driveways, concrete patios, and similar features.

14.06.0134 "Minimum Lot Size" means the minimum or smallest amount of total lot area in a single ownership expressed in square feet necessary to satisfy the physical development standards defined in these regulations. The smallest allowable lot area may be less than the minimum site area density allowed in the prevailing zoning district where the dwelling units are to be designed and developed in a cluster site plan or in an attached or mixed use unit.

14.06.0135 “Minor Exterior Remodel” means exterior remodels with a value of less than 50 percent of the building valuation shall be designated as a “minor exterior remodel”.

14.06.0136 “Mixed Use” means a land use where more than one classification of land use (residential, commercial, recreational) is permitted within a zoning district is combined on a lot or within a structure.

14.06.0137 “Mixed Use Building” means a building that is divided into individual spaces and that is designed to encourage entrepreneurship in order to maximize new business formation and growth. Each space shall be for the purposes of providing space for small scale businesses, including manufacturing, technology, office, retail, and wholesale uses. Mixed Use Building also means a building with ground floor retail and upper story office or residential uses.

14.06.0138 “Mixed Use – Institutional” allows for institutional uses, such as city facilities and public and private colleges, retail, service, office, flexible technology space, and entertainment uses which complement, enhance, and support institutional, residential and other land use provisions of the Comprehensive Plan.

14.06.0139 “Mixed Use 12” allows for neighborhood oriented retail, service, business, office, and entertainment uses in mixed-use developments which complement, enhance, and support residential and other land use provisions of the Comprehensive Plan.

14.06.0140 “Mobile Home” means any vehicle or similar portable structure built prior to the enactment of the National Manufactured Home Construction and Safety Standards Act of 1974, designed for mounting on wheels and intended for use as a residence, except parked and unoccupied recreational vehicles, which meet the standards of the Washington Department of Labor and Industries.

14.06.0141 “Mobile Home Park” means an area of land designed for the placement of mobile homes with two or more improved pads or spaces for mobile homes providing connections for, but not limited to, water, sewer and electricity service.

14.06.0142 “Modulation” means the recessing back or projecting forward of a portion of a building face or roof within specified intervals of building width and depth, as a means of breaking up the apparent bulk of the building’s continuous exterior walls.

14.06.0143 “Multi-Family Dwelling Unit” means a dwelling unit within one or more buildings which accommodates two or more families in individual, primary dwelling units. Normally located on a single lot.

14.06.0144 “Native Vegetation” means vegetation comprised of plant species which are indigenous to the Puget Sound region and which reasonably could have been expected to naturally occur on the site. Native vegetation does not include noxious weeds.

14.06.0145 “Net Buildable Area” means the area of a lot excluding any areas where building is prohibited.

14.06.0146 “Net Usable Site Area” means the total site or lot ownership expressed in acres or square feet less uncredited sensitive environmental features as these areas are defined

elsewhere in these regulations and less any required land setbacks or dedications necessary to provide supporting roads, utilities, or other supporting facilities or infrastructure.

14.06.0147 “Nonconformance” means any use, improvement or structure established in conformance with the rules and regulations in effect at the time of establishment that no longer conforms to the range of uses permitted in the site’s current zone or to the current development standards of these regulations due to the change in the code or its application to the subject property.

14.06.0148 “Notice of Application” means the notice sent to the applicant, adjacent property owners, and parties of record giving those persons an opportunity to comment on the project.

14.06.0149 “Notice of Completeness” means the notice mailed or hand delivered to the applicant stating that the project permit application is complete or incomplete, and, if incomplete, what is necessary to make it complete.

14.06.0150 “Notice of Decision” means the written decision of the decision-making body or the approved or denied project permit provided to the applicant and all parties of record.

14.06.0151 “Noxious Weed” means any plant which when established is highly destructive, competitive or difficult to control by cultural or chemical practices (see Chapter 17.10 RCW). The state noxious weed list in WAC Chapter 16-750 is the officially adopted list of noxious weeds by the Noxious Weed Control Board and recognized by Duvall.

14.06.0152 “Open Record Public Hearing” means a hearing, conducted by a single hearing body or officer, that creates the record through testimony and submission of evidence and information. An open record hearing may be held prior to a decision on a project permit to be known as an “open record predecision hearing”. An open record hearing may be held on an appeal, to be known as an “open record appeal hearing”, if no open record predecision hearing has been held on the project permit.

14.06.0153 “Open Space” means any land, area, the preservation of which in its present use would (1) conserve and enhance natural or scenic resources, or (2) protect streams or water supply, or (3) promote conservation of soils, wetlands, or beaches, or (4) enhance the value to the public of abutting or neighboring parks, forests, wildlife preserves, nature reservations or sanctuaries, or (5) enhance recreation opportunities, or (6) meet the open space requirements for mixed use and residential developments set out in this title.

14.06.0154 “Ordinances” means a legislative enactment of a county or city.

14.06.0155 “Outdoor storage” means the storage of any material for a period greater than 24 hours, including items for sale, lease, processing and repair (including vehicles) not in an enclosed building.

14.06.0156 “Owner” means the owner of record of real property; provided that, if the real property is being purchased under a recorded real estate contract, the purchaser shall be considered the owner of the real property.

14.06.0157 “Park” means a site designed or developed for recreation use by the public including, but not limited to; indoor facilities, such as: gymnasiums, swimming pools, or activity centers; and outdoor facilities, such as: playfields, courts, playgrounds, and areas; fishing and

boating access areas, or picnicking and other group activity areas; and areas and trails for: hikers, equestrians, or bicyclists.

14.06.0158 “Parking Space” means an area accessible to vehicles, improved, maintained and used for the sole purpose of parking a motor vehicle.

14.06.0159 “Party of Record” means any person who testified at the open record public hearing on the application or any person who requested to be a party of record, and/or any person who submitted written comments concerning the application at the open record public hearing.

14.06.0160 “Peak Hour” means the hours during the morning or afternoon when the most critical level of service occurs for a particular roadway or intersection.

14.06.0161 “Peak Hour Trips” means total vehicular trips entering and leaving a development project during the consecutive 60-minute period between 4:00 p.m. and 6:00 p.m. which experiences the highest sum of traffic volumes entering or leaving the development. This typically corresponds to the definition of “peak hour of the generator” in the most recent edition of Trip Generation, published by the Institute of Transportation Engineers. Other trip generation sources may be used, at the discretion of the city, where ITE data are based on a limited survey base or where there may be special trip-generating characteristics of the proposal.

14.06.0162 “Pedestrian Orientation” means pertaining to facilities which encourage pedestrian movement and are designed and oriented toward use by pedestrians.

14.06.0163 “Pedestrian-Oriented Façade” means ground floor facades which feature the following characteristics:

- Transparent window area or window displays along a minimum of 75 percent of the ground floor façade between a height of 2 feet to 8 feet above the ground;
- A building entry must be facing the street; and
- Weather protection at least 6 feet wide along at least 75 percent of the facade.

14.06.0164 “Pedestrian-Oriented Space” means an area that promotes pedestrian activity, subject to the following:

To qualify as a pedestrian-oriented space, an area must have:

- A. Pedestrian access to the abutting structures from the street, private drive, or a nonvehicular courtyard.
- B. Paved walking surfaces of either concrete or approved unit paving.
- C. Pedestrian-scaled lighting (no more than 14 feet in height) at a level averaging at least 2-foot candles throughout the space. Lighting may be on-site or building-mounted lighting.
- D. At least 3 feet of seating area (bench, ledge, etc.) or 1 individual seat per 60 square feet of plaza area or open space.
- E. Spaces must be positioned in areas with significant pedestrian traffic to provide interest and security, such as adjacent to a building entry.
- F. Landscaping components that add seasonal interest to the space. The following features are encouraged in pedestrian-oriented space and may be required by the Director:
- G. Pedestrian amenities such as a water feature, drinking fountain, tables, and/or distinctive paving or artwork.

- H. Provide “pedestrian-oriented building facades” on some or all buildings facing the space.
- I. Consideration of the sun angle at noon and the wind pattern.
- J. Transitional zones along building edges to allow for outdoor eating areas and a planted buffer.
- K. Movable seating.

14.06.0165 “Planning Commission” means the Duvall planning commission as established by the Duvall Municipal Code.

14.06.0166 “Planning Department” means the planning department of the City of Duvall.

14.06.0167 “Planning Director” means the director of the planning department of the City of Duvall or his/her designee.

14.06.0168 “Plat” means and includes preliminary and final, short and long plats.

14.06.0169 “Plat – Preliminary” means a neat and approximate drawing of a proposed division showing the general layout of streets and alleys, lots, blocks and restrictive covenants to be applicable to the division, and other elements of a plat or division as set forth in the Duvall Municipal Code, which shall furnish a basis for the approval or disapproval of the general layout of a division.

14.06.0170 “Plat – Final” means the final drawing of the division and dedication prepared for filing for record with the county auditor and containing all elements and requirements set forth in these regulations.

14.06.0171 “Plat – Short” means the map or representation of a short subdivision (4 or fewer lots), showing thereon the division of a tract or parcel of land with lots, blocks, streets and alleys or other divisions and dedications.

14.06.0172 “Plat – Long” means the map or representation of a long subdivision (5 or more lots), showing thereon the division of a tract or parcel of land with lots, blocks, street and alleys or other divisions and dedications.

14.06.0173 “Private” means solely or primarily for the use of residents or occupants of the premises; e.g., a noncommercial garage used solely by residents or their guests as a private garage.

14.06.0174 “Private Road” means an easement or tract which creates access from private property through the use of road or street to the public street or to another private road, with maintenance of such road being the responsibility of the private property owners. Private roads/streets may have public use easements recorded against the property.

14.06.0175 “Project Permit” or “Project Permit Application” means any land use or environmental permit required from the City for a Type I, Type II, Type III, Type IV, Type V permit, or Type VI.

14.06.0176 “Property Line” means a line of record bounding a lot that divides one lot from another lot, or from a public or private street or any other public space.



14.06.0177 “Property Line – Front” means the lot line separating a lot from a public and/or private street. A corner lot, a lot with frontage on two public streets, a lot with frontage on one public street and one private street, and lots with frontage on two private streets, may have more than one front property line as determined by the director. On lots with more than one front property line, orientation of the front of the house shall be as determined by the director.

14.06.0178 “Property Line – Rear” means the lot line opposite and most distant from the front lot line. In the case of a triangular or otherwise irregularly shaped lots, or on lots with more than one front property line, the rear property line shall be a line 10 feet in width entirely within the lot, parallel to and at a maximum distance from the front lot line.

14.06.0179 “Property Line –Interior” means any lot line other than a front or rear lot line.

14.06.0180 “Protected Tree/Protected Vegetation” means a tree or area of understory vegetation identified on an approved tree protection and replacement plan to be retained and protected during construction and/or permanently protected by easement, tract, or covenant restriction. A protected tree may be located outside or within an NGPA, sensitive area or sensitive area buffer.

14.06.0181 “Protective Measure” means a practice or combination of practices (e.g. construction barriers, protective fencing, tree wells, etc.) used to control construction or development impacts to vegetation that is approved for protection.

14.06.0182 “Public Agency” means any agency, political subdivision, or unit of local government of this state including but not limited to municipal corporations, special purpose districts, counties and local service districts; any agency of the state of Washington, the United States or any state thereof; or any Indian tribe recognized as such by the federal government.

14.06.0183 “Public Facilities” means and includes streets, roads, highways, sidewalks, street and road lighting systems, traffic signals, domestic water systems, storm and sanitary sewer systems, parks and recreational facilities, and schools. See public services.

14.06.0184 “Public Meeting” means an informal meeting, workshop, or other public gathering of people to obtain comments from the public or other agencies on a proposed project permit prior to a decision. A public meeting may include, but is not limited to, a planning commission or community meeting or a scoping meeting on a draft environmental impact statement. A public meeting does not include an open record hearing. The proceedings at a public meeting shall be included in the City’s project permit application file.

14.06.0185 “Public Services” means and includes fire protection and suppression, law enforcement, public health, education, recreation, environmental protection, and other governmental services. See public facilities.

14.06.0186 “Public Street or Right-of-Way” means every road, street, highway, boulevard or place in the city open as a matter of right to public travel and shall include arterials, neighborhood streets, alleys, bridle trails, bicycle paths and pedestrian ways; also including streets or portions thereof which are designated as portions of the state highway system.

14.06.0187 “Public Works Director” means the director of the public works department of the City of Duvall.

14.06.0188 “Reasonable Use” means a legal concept that has been articulated by federal and state courts in regulatory takings cases.

14.06.0189 “Recreational Vehicle” means a vehicle designed primarily for recreational camping, travel or seasonal use which has its own motive power or is mounted on or towed by another vehicle, including but not limited to: travel trailer, folding camping trailer, park trailer, truck camper, motor home and multiuse vehicle.

14.06.0190 “Religious Institution” means a place where religious services are conducted, and including accessory uses in the primary or accessory buildings such as religious education, reading rooms, assembly rooms, and residences for nuns and clergy, but excluding facilities for training of religious orders.

14.06.0191 “Retaining Wall” means a structure that holds back a slope and prevents erosion.

14.06.0192 “Right-of-Way” means land owned by a public agency and used, planned to be used, or able to be used, as a public thoroughfare.

14.06.0193 “Road” means a public or private improvement that affords the principal means of access to abutting property, including an avenue, place, way, drive, lane, boulevard, highway, street, and other thoroughfare, except an alley.

14.06.0194 “Root Protection Zone” means the area to be protected which is 5 feet outside of the dripline of a protected tree.

14.06.0195 “School District” means the Riverview School District Number 407, King County, Washington whose boundaries include the Duvall urban growth area.

14.06.0196 “Senior Citizen Assisted Living Facility” means the following:

Assisted care facility, senior: Any facility that provides either permanent or temporary residence for senior citizens which provides opportunities for common dining areas, although some facilities may offer kitchen facilities in the individual rooms as well. Some facilities may offer minor health services on-site, such as a resident nurse. An assisted care facility is not a nursing home, adult family home or residential care facility.

Nursing/convalescent home: A building occupied or intended to be occupied by convalescents, invalids and aged persons and wherein nursing, dietary and other personal services are rendered. Mentally challenged patients and patients with contagious or communicable diseases, who are customarily treated in sanitariums and hospitals, are not included in this definition.

Retirement home: An establishment providing domestic care of retired persons who are not in need of medical or nursing treatment except in the case of temporary illness. “Retirement home” does not include nursing, convalescent or rest homes, hospitals or sanitariums.

14.06.0197 “Setback” means the minimum required distance between a structure and a lot line, easement or buffer line that is required to remain free of structures.

14.06.0198 “Setback – Interior” means the setback extending from every interior lot line to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

14.06.0199 “Setback – Street” means the setback extending from every front property line (see Property Line – front) to a line parallel to and measured perpendicularly from the interior lot lines at the depth prescribed for each zone.

14.06.0200 “Shoreline” means all of the water areas within the incorporated portion of the city of Duvall, including reservoirs, and their associated wetlands, together with the lands underlying them, except:

- Shorelines of statewide significance;
- Shorelines on segments of streams upstream of a point where the mean annual flow is 20 cubic feet per second or less and the wetlands associated with such upstream segments, and
- Shorelines on lakes less than 20 acres in size and wetlands associated with such lakes.

14.06.0201 “Shoreline of the City” means the total of all shorelines and shorelines of statewide significance within the city.

14.06.0202 “Shoreline of Statewide Significance” means those shorelines described in Section 3(2)(e) of the Shoreline Management Act of 1971 which are within the incorporated portion of the city of Duvall.

14.06.0203 “Shoreline Development” means a use consisting of the construction or exterior alteration of structures; dredging, drilling, dumping, filling; removal of any sand, gravel or minerals; bulkheading; driving of piling; placing of obstructions; or any project of a permanent or temporary nature which interferes with the normal public use of the water's overlying lands subject to these regulations at any state of water level.

14.06.0204 “Shoreline Master Program” means the City of Duvall Shoreline Management Plan, and the use regulations together with maps, diagrams, charts, or other descriptive material and text, a statement of desired goals and standards developed in accordance with the policies enunciated in Section 2 of the Shoreline Management Act of 1971.

14.06.0205 “Shoreline Variance” means a permit for the limited purposes of granting relief to specific bulk, dimensional, or performance standards set forth in the Master Program, where there are extraordinary or unique circumstances relating to the property such that the strict implementation of the Master Program would impose unnecessary hardships on the applicant, or thwart the policies set forth in chapter 90.58 RCW.

14.06.0206 “Sight Distance” means the visual distance required for a driver to safely operate his/her vehicle/bike as required by the roadway design.

14.06.0207 “Sight Distance Triangle” means an area where obstructions of a motor vehicle operator's view at an intersection shall be prohibited, which include parked vehicles, signs, fences, hedges, shrubs, natural vegetation and trees and other inanimate objects greater than one foot in width. Obstructions which are permitted include utility poles, traffic control devices, trees and other inanimate objects 1.5 feet or less in width and spaced at least 50 feet apart.

14.06.0208 “Sign” means any device, structure, fixture or placard that is visible from a public right-of-way or surrounding properties and used graphics, symbols or written copy for the purpose of advertising or identifying any establishment, product, goods or service.

14.06.0209 “Sign – Awning” means a sign affixed to the front side of an awning. “Sign – Cabinet Sign” means a sign incorporating a rigid frame, which supports and retains the sign face pane(s) and/or background constructed of plastic or similar material, and which has an internal light source. Cabinet signs do not include signs composed of individually-mounted and individually-illuminated letters, or logos no larger than the lettering to which they relate.

14.06.0210 “Sign – Community Bulletin Board” means a permanent sign used to notify the public of community events and public services, and which contains no commercial advertising.

14.06.0211 “Sign – Directional” means a sign designed to guide or direct pedestrian or vehicular traffic to an area, place or for public convenience, and may include incidental graphics such as trade names and trademarks.

14.06.0212 “Sign – Indirectly Illuminated” means a sign that is illuminated entirely from an external artificial source.

14.06.0213 “Sign - Neon” means a sign with a light source supplied by a neon tube which is bent to form letters, symbols or other shapes.

14.06.0214 “Sign – Permanent Residential Development Identification” means a permanent, freestanding sign identifying the residential development upon which the sign is located.

14.06.0215 “Sign - Political” means a sign which advertises a candidate or candidates for public elective office, a political party, or promotes a position on a public or ballot issue.

14.06.0216 “Sign – Portable or Temporary” means a sign which is capable of being moved and is not permanently affixed to the ground, a structure or building.

14.06.0217 “Sign – Projecting” means any sign, other than a flat wall sign, which is attached to a projects vertically more than one foot from the wall of a building or other structure.

14.06.0218 “Significant Tree” means any tree that measures a minimum of 16 inches caliper at breast height (4.5 feet above the ground).

14.06.0219 “Square Footage” means the square footage of the gross floor area of the development or the lot.

14.06.0220 “State” means the state of Washington.

14.06.0221 “State Environmental Policy Act (SEPA)” means, as stated in Chapter 43.21C RCW, the Washington State law is intended to minimize environmental damage. SEPA requires that State agencies and local governments consider environmental factors when making decisions on activities, such as development proposals over a certain size and comprehensive plans. As part of this process, environmental checklists are prepared to disclose the impacts and propose mitigation. This process also provides an opportunity for public comment.

14.06.0222 "Street" see Road definition.

14.06.0223 "Street Frontage" means any portion of a lot or combination of lots which directly abut a public right-of-way.

14.06.0224 "Structure" means any object constructed or installed by man, including but not limited to buildings, towers, smokestacks, overhead transmission line, etc., excluding fences retaining walls 3 feet or less in height, and decks 18 inches or less above grade/paved area.

14.06.0225 "Subregional Utility" means any above ground structures or facilities (other than buildings, unless such buildings are used as storage incidental to the operation of such structures or facilities) owned by a governmental entity, or any entity defined as a public utility for any purpose by RCW 80.04.015 and used in connection with the production, generation, transmission, delivery, collection or storage of water, sewage, electricity, gas, oil or electronic signals when these structures or facilities are serving a wider customer base than the local neighborhood.

14.06.0226 "Substantial Development or Improvement" means:

- A. Any repair, reconstruction or improvement of a structure, the cost of which equals or exceeds 50 percent of the market value of the structure either:
  - 1. Before the improvement or repair is started, or
  - 2. If the structure has been damaged and is being restored, before the damage occurred. For the purposes of this definition "substantial improvement" is considered to occur when the first alteration of any wall, ceiling, floor, or other structural part of the building commences, whether or not that alteration affects the external dimensions of the structure;
- B. The term does not, however, include either:
  - 1. Any project for improvement of a structure to comply with existing state or local health, sanitary or safety code specifications which are solely necessary to assure safe living conditions; or
  - 2. Any alteration of a structure listed on the National Register of Historical Places or a State Inventory of Historical Places.

14.06.0227 "Substantial Development – Shoreline" means any development designated in the shoreline area of which the total cost or fair market value exceeds \$2,500.00, or any development which materially interferes with the normal public use of water or shorelines of the city; except that the following shall not be considered substantial developments for the purpose of these regulations:

- A. Normal maintenance or repair of existing structures or developments, including damage by accident, fire or elements;
- B. Construction of the normal protective bulkhead common to single-family residences;
- C. Emergency construction necessary to protect property from damages by the elements;
- D. Construction of a barn or similar agricultural structure on wetlands;
- E. Construction or modification of navigational aids such as channel markers and anchor buoys;
- F. Construction on wetlands by an owner, lessee or contract purchaser of a single-family residence for their own use or for the use of their family, which residence does not exceed a height of thirty-five (35) feet above average grade level and which meets all requirements of the city other than requirements imposed pursuant to these regulations.

14.06.0228 “Support structures” means structures to which antennas and other necessary associated hardware is mounted. Support structures include, but are not limited to, transmission towers, utility poles and nonresidential buildings.

14.06.0229 “Surety” means any form of security involving a cash deposit, bond, set-aside account, collateral, property, or other instrument of credit, which is used to insure that required improvements are installed and/or warranted to be free from defective materials and/or workmanship.

14.06.0230 “Temporary Use Permit” means a permit to allow a use of limited duration and/or frequency.

14.06.0231 “Tower” means any built structure, including any guy wires and anchors, constructed for the support of an antenna(s) or antenna(s) more than 25 feet above the surrounding ground or building. This includes but is not limited to lattice towers, guy towers, wood or steel monopoles and attached antenna(s).

14.06.0232 “Townhouse” See Dwelling, Single-Family (Attached).

14.06.0233 “Transmission Structure” means a structure intended to support transmission equipment or function as an antenna for AM radio or an earth station satellite dish antenna. The term does not include brackets, platforms, or other apparatus which mount transmission equipment onto transmission structures, buildings or other structures.

14.06.0234 “Tree” means a self-supporting woody plant and is considered a tree in nursery and landscape industries.

14.06.0235 “Tree removal” means the removal of a significant, required or protected tree, through either direct or indirect actions, including but not limited to clearing, poisoning resulting in an unhealthy or dead tree, removal of more than half of the live crown through topping, and/or irreversible damage to roots or trunk destroying the tree’s structural integrity.

14.06.0236 “Unified Development Regulations” means the development code which implements Comprehensive Plan provisions and governs land use decision within the City of Duvall. Title 14 of the Duvall Municipal Code is the Unified Development Regulations (UDR).

14.06.0237 “Use” means activity or function carried out on an area of land, or in a building or structure located thereon.

14.06.0238 “Utility” means enterprises or facilities serving customers by means of an integrated system of collection, transmission, distribution and processing facilities through more or less permanent physical connections between the plant of the serving entity and the premises of the customer. Included are systems for the delivery of electricity, natural gas, cable communications, telecommunications, and water and sewage disposal.

14.06.0239 “Variance” means an adjustment in the application of these regulations to a particular piece of property in a situation where the property, because of special circumstances found to exist on the land, is deprived as a result of the imposition of these regulations, of privileges commonly enjoyed by other properties in the same vicinity and zone. The adjustment in the application of these regulations shall remedy the disparity in privilege. A variance shall

not be used to convey special privileges not enjoyed by other properties in the same vicinity and zone and subject to the same restrictions.

14.06.0240 "Vegetation" means any and all organic plant life growing at, below or above the soil surface.

14.06.0241 "Violation" means the violation of any provision of the unified development regulations, state law, or other regulations, or a violation of the conditions of any permit, approval, or other order issued pursuant to these regulations.

14.06.0242 "Weather Protection" means architectural features such as an awning, marquee, or canopy that protect pedestrians from rain.

14.06.0243 "Wireless Communication Facility (WCF)" means an unstaffed facility for the transmission and reception of radio or microwave signals used for commercial communication. A wireless communication facility provides services which include cellular telephone, Personal Communication Services (PCS), other mobile radio services, and any other service provided by wireless common carriers licensed by the Federal Communications Commission (FCC). A wireless communication facility (WCF) may be attached to an existing structure or a free standing tower. A WCF consists of antenna(s) and related equipment and may include equipment enclosure, screening, or support structure.

14.06.0244 "Wireless Communications Facilities - Freestanding" means a facility with a primary purpose of providing a platform for an antenna array and may include a monopole, guyed tower, lattice tower, stanchion, or wood pole.

14.06.0245 "Wireless Communications Facilities - Height" means when referring to a wireless communication facility, the distance measured from the bottom of the wireless communication facility to the highest point of any and all antennae on the wireless communication facility.

14.06.0246 "Wireless Communications Facilities - Monopole" means a wireless communications facility which consists of a wireless communications support structure.

14.06.0247 "Wireless Communications Services" means any personal wireless services as defined in the Federal Telecommunications Act of 1996 which includes FCC licensed commercial wireless communications services including cellular, personal communications services (PCS), specialized mobile radio (SMR), enhanced specialized mobile radio (ESMR), paging and similar services that currently exist or that may in the future be developed.

14.06.0248 "Zoning Map" means the map that shows the City of Duvall divided into zoning designations.